

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KENYATTA WRIGHT,	:	Civil No. 1:21-CV-87
	:	
Plaintiff	:	
	:	
v.	:	(Judge Rambo)
	:	
RICK ENGLEMEYER, et al.,	:	(Magistrate Judge Carlson)
	:	
Defendants.	:	

ORDER

The background of this order is as follows:

The plaintiff, Kenyatta Wright, is an inmate incarcerated at the Dauphin County Prison who filed this Civil Rights action against the defendants on January 14, 2021. (Doc. 1). Wright’s complaint asserts claims pursuant to 42 U.S.C. § 1983, alleging that he has been incarcerated beyond his state criminal sentence. For their part, the defendants have filed a motion to dismiss, arguing that Wright’s claims are without merit. (Doc. 15).

The plaintiff has now filed a motion entitled “Motion for Immediate Release,” in which he alleges that he is incarcerated pursuant to an unlawfully enhanced sentence by the county court and requests that this court close his state court docket and immediately release him from the custody of the county prison. (Doc. 19). The defendants have filed a response to this motion, asserting that the plaintiff’s motion is meritless, as release from custody is not a remedy under § 1983. (Doc. 21).

We view Wright's motion as asserting a claim for habeas corpus relief. Indeed, as the Court of Appeals has stated, unlike § 1983 claims, the traditional function of the writ of habeas corpus is "to secure release from unlawful executive detention." Hope v. Warden York County. Prison, 972 F.3d 310, 323 (3d Cir. 2020) (citing Munaf v. Geren, 553 U.S. 674, 693 (2008)). Where a petitioner is requesting release from incarceration, habeas is a more appropriate remedy than a § 1983 action seeking release. Id.

Accordingly, because the relief that Wright's motion seeks is not available in this § 1983 action, IT IS HEREBY ORDERED THAT the motion for immediate release (Doc. 19) is DENIED.

So ordered this 1st day of June 2021.

s/ Martin C. Carlson
Martin C. Carlson
United States Magistrate Judge